

ORDINANCE NO. 3715

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECDC 19.00.005 AND 19.05.005 TO COMPLY WITH STATE FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Edmonds adopted the 2006 International Building Code and the 2006 International Residential Code, both of which comply with federal floodplain management regulations; and

WHEREAS, although the international codes referenced above comply with federal floodplain management regulations, they do not comply fully with state floodplain management regulations (Chapter 86.16 RCW), which are more specific and restrictive than their federal equivalent; and

WHEREAS, the City has worked with the State Department of Ecology (DOE) during its Community Assistant Visit identify the changes in the Edmonds Community Development Code (ECDC) needed to comply with state floodplain management regulations; and

WHEREAS, the City and DOE have determined that the amendments herein are necessary to comply with the state floodplain management regulations; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOW

Section 1. ECC 19.00.005 Section amendments. is hereby amended to read as set forth in Exhibit A attached hereto and incorporated by this reference.

Section 2. ECC 19.05.005 Section amendments. is hereby amended to read as set forth in Exhibit B attached hereto and incorporated by this reference.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

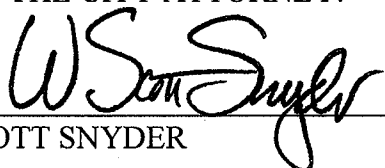
APPROVED:


MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	12/12/2008
PASSED BY THE CITY COUNCIL:	12/16/2008
PUBLISHED:	12/22/2008
EFFECTIVE DATE:	12/27/2008
ORDINANCE NO. <u>3715</u>	

SUMMARY OF ORDINANCE NO. 3715

of the City of Edmonds, Washington

On the 16th day of December, 2008, the City Council of the City of Edmonds, passed Ordinance No. 3715. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECDC 19.00.005 AND 19.05.005 TO COMPLY WITH STATE FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 17th day of December, 2008.


CITY CLERK, SANDRA S. CHASE

19.00.005 Section amendments.

The following sections of the IBC have been added, amended, deleted or replaced as follows:

A. Chapter 1, Administration.

1. Section 104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code. The building official is also authorized to use Chapter 20.110 ECDC for code compliance in addition to the remedies provided for in this code.

2. Section 105.1.1 Annual permit. Deleted.

3. Section 105.1.2 Annual permit records. Deleted.

4. Section 105.2 Work exempt from permit. Replaced by ECDC 19.00.010.

5. Section 105.3.2 Time limitation of permit application.

a. Applications, for which no permit is issued within 180 days following the date of application, shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official.

b. The building official may extend the time for action by the applicant for a period not exceeding 180 days prior to such expiration date.

c. No application shall be extended more than once for a total application life of 360 days. In order to renew action on an expired application, the applicant shall submit a new application, revised plans based on any applicable code or ordinance change, and pay new plan review fees.

6. Section 105.5 Permit expiration and extension.

a. Every permit issued under ECDC Title 19 shall expire by limitation 360 days after issuance, except as provided in ECDC 19.00.005(A)(6)(b) and 19.10.010(A)(4)(a).

b. The following permits shall expire by limitation, 180 days after issuance and may not be extended:

i. Demolition permits required by ECDC 19.00.030;

ii. Permits for Moving Buildings required by Chapter 19.60 ECDC;

iii. Mechanical permits;

iv. Tank removal, tank fill, or tank placement permits;

v. Grading, excavation and fill permits;

vi. Water service line permits;

vii. Plumbing permits;

viii. Gas piping permits;

EXHIBIT A

- ix. Deck and dock permits;
- x. Fence permits;
- xi. Re-roof permits;
- xii. Rockery and retaining wall permits;
- xiii. Swimming pool, hot tub and spa permits;
- xiv. Sign permits;
- xv. Shoring permits;
- xvi. Foundation permits.

c. Prior to expiration of an active permit the applicant may request in writing an extension for an additional year. If the plans and specifications for the permit extension application are the same as the plans and specifications submitted for the original permit application and provided there has been at least one (1) required progress inspection conducted by the city building inspector prior to the extension, the permit shall be extended. Permit fees shall be charged at a rate of one half the original building permit fee to extend the permit.

d. If the applicant cannot complete work issued under an extended permit within a total period of two (2) years, the applicant may request in writing, prior to the second year expiration, an extension for a third and final year. Provided there has been at least one (1) required progress inspection conducted by the city building inspector prior to the extension, the permit shall be extended for a third and final year. In lieu of permit fees for the third year extension, inspection fees shall be charged for the remaining work based on the number of required inspections remaining for the project for all city departments.

e. The maximum amount of time any building permit may be extended shall be a total of three (3) years. At the end of any three (3) year period starting from the original date of permit issuance, the permit shall become null and void and a new building permit shall be required, with full permit fees, in order for the applicant to complete work. The voiding of the prior permit shall negate all previous vesting of zoning or building codes. Whenever an appeal is filed and a necessary development approval is stayed in accordance with ECDC 20.105.020(B), the time limit periods imposed under this section shall also be stayed until final decision.

f. The building official may reject requests for permit extension where he determines that modifications or amendments to the applicable zoning and building codes have occurred since the original issuance of the permit and/or modifications or amendments would significantly promote public health and safety if applied to the project through the issuance of a new permit.

7. Section 105.5.1 Recommence work on an expired permit.

a. In order to recommence work on an expired permit, a new permit application with full permit fees shall be submitted to the building official.

b. New permit applications shall be reviewed under current zoning and building codes in effect at the time of complete application submittal. If a new permit is sought to recommence work on an expired permit, the new permit shall be vested under the codes in effect when an application for a new permit is submitted which fully complies with

ECDC 19.00.015. When additional plan review is required, plan review fees shall be charged.

8. Section 106.3.3 Phased approval for multi-family and commercial development.

a. The building official may issue partial permits for phased construction as part of a development before the entire plans and specifications for the whole building or structure have been approved provided architectural design board approval has been granted.

b. Phased approval means permits for grading, shoring, and foundation may be issued separately, provided concurrent approval is granted by the planning manager, city engineer and fire marshal, when applicable. No phased approval permit shall be issued unless approved civil plans detailing the construction of all site improvements including, but not limited to; curbs, gutters, sidewalks, paved streets, water lines, sewer lines, and storm drainage have been signed as approved by the city engineer.

c. With such phased approval, a performance bond shall be posted with the city pursuant to Chapter 17.10 ECDC, to cover the estimated cost of construction to city standards for the improvements.

9. Section 107 Temporary structures and uses. Deleted.

10. Section 108 Fees. Replaced by Chapter 19.70 ECDC.

11. Section 109.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official. Prior to final inspection approval, the building official shall require an elevation certificate based on finished construction prepared and sealed by a State licensed land surveyor.

~~44.~~ 12. Section 112 Appeals. Replaced by Chapter 19.80 ECDC.

B. Chapter 5, General Building Heights and Areas.

1. Section 501.2 Premises identification. Approved numbers or addresses shall be installed by the property owner for new buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. Letters or numbers shall be a minimum six (6) inches in height and stroke a minimum of .75 inch of a contrasting color to the building base color.

C. Chapter 16, Structural Design

1. Section 1612.1.1 Residential Structures. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor areas; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

~~C.D~~ Chapter 31, Special Construction.

1. Section 3103 Temporary structures. Deleted.

2. Section 3108.1.1 Radio, television and cellular communication related equipment and devices.

a. A permit is required for the installation or relocation of commercial radio, television or cellular tower support structures including monopoles, guyed or lattice towers, whip antennas, panel antennas, parabolic antennas and related accessory equipment, and accessory equipment shelters (regardless of size) including roof mounted equipment shelters.

3. Section 3109.1 Applicability and maintenance. Swimming pools, hot tubs and spas of all occupancies shall comply with the requirements of this section and other applicable sections of this code.

a. It is the responsibility of the owner to maintain the swimming pool, hot tub or spa in a clean and sanitary condition and all equipment maintained in a satisfactory operating condition when the swimming pool, hot tub or spa is in use. A swimming pool, hot tub or spa that is neglected, not secured from public entry and/or not maintained shall be determined to be a hazard to health and safety and shall be properly mitigated to the satisfaction of the building official.

4. Section 3109.1.1 Permit required. It shall be unlawful for any person to install, remove, alter, fill with material other than water, repair or replace any swimming pool, hot tub or spa in a building or on premises without first obtaining a permit to do such work from the building official. Reference ECDC 19.00.010(K) for permit exemptions.

5. Section 3109.3 Public swimming pools. Deleted.

6. Section 3109.4 Residential swimming pools. Deleted.

7. Section 3109.6 Fences and gates.

a. The swimming pool area shall be completely surrounded by a substantial fence at least six (6) feet in height. No openings shall be greater than two (2) inches, and a self-closing, self-latching gate shall be provided, with an inside lock inaccessible to children aged five (5) years or younger.

b. The gate shall be securely locked when the swimming pool is unattended.

c. Any swimming pool not presently fenced as required by this section shall be fenced within sixty (60) days of this code adoption.

8. Section 3109.7 Location and setbacks. Swimming pools, hot tubs and spas shall meet requirements of the zoning code of the city of Edmonds.

a. Minimum setbacks are measured from property lines to the inside face of the pool, hot tub or spa as required by the zoning code for accessory structures.

b. All other accessory buildings and equipment shall meet the normally required setbacks for accessory structures in the zone in which they are located.

9. Section 3109.8 Equipment foundations and enclosures.

a. All mechanical equipment supported from the ground shall rest on level concrete or other approved base extending not less than three (3) inches above the adjoining ground level.

b. All heating and electrical equipment, unless approved for outdoor installation, shall be adequately protected against the weather or installed within a building.

10. Section 3109.9 Accessibility and clearances. Equipment shall be so installed as to provide accessibility for cleaning, operating, maintenance, and servicing.

11. Section 3109.10 Tests and cross connection devices.

a. All swimming pool, hot tub and spa piping shall be inspected and approved before being covered or concealed.

b. Washington State Department of Health approved cross connection devices are required to be provided when used to fill any swimming pool, hot tub or spa.

12. Section 3109.11 Wastewater disposal. A means of disposal of the total contents of the swimming pool, hot tub or spa (including partial or periodic emptying) shall be reviewed and approved by the public works director.

a. No direct connection shall be made between any swimming pool, hot tub or spa to any storm drain, city sewer main, drainage system, seepage pit, underground leaching pit, or sub-soil drain.

b. A sanitary tee (outside cleanout installed on the main building side sewer line) shall be provided for draining of treated water into the city sanitary sewer system.

13. Section 3109.12 Inspection requirements. The appropriate city inspector shall be notified for the following applicable inspections:

a. Footing, wall, pre-form, pre-gunite, erosion control, underground plumbing, sanitary extension and cleanout, mechanical pool equipment, gas piping, mechanical enclosure location, cross connection and final inspection.

b. An initial cross connection control installation inspection is required by the city cross connection control specialist prior to final installation approval.

c. All backflow assemblies shall be tested by state certified backflow assembly testers upon initial installation and then annually thereafter. Copies of all test reports shall be submitted to the city water division for review and approval.

E. Chapter 34, Existing Structures.

1. Section 3403.1.1.1 Residential Structures. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor areas; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

D.F. Appendix E, Accessibility Requirements.

1. Section E107 Signage. Deleted.

2. Section E108 Bus stops. Deleted.
3. Section E110 Airports. Deleted.
4. Section E111, Referenced standards. Deleted.

G. Appendix G, Flood Resistant Construction.

Section G301.1(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

EH. Appendix H, Signs.

1. Section H101.2 Signs exempt from permits. Replaced by ECDC 19.00.010(Q).
2. Section H101.2.1 Prohibited signs.
 - a. It is unlawful for any person to advertise or display any visually communicated message, by letter or pictorially, of any kind on any seating bench, or in direct connection with any bench.
 - b. All signs not expressly permitted by Chapter 20.60 ECDC.
 - c. Signs which the city engineer determines to be a hazard to vehicle or pedestrian traffic because they resemble or obscure a traffic control device, or pose a hazard to a pedestrian walkway or because they obscure visibility needed for safe traffic passage. Such signs shall be immediately removed at the request of the city engineer.
 - d. All signs which are located within a public right-of-way and that have been improperly posted or displayed are hereby declared to be a public nuisance and shall be subject to immediate removal and confiscation per ECDC 20.60.090.
3. Section H104 Identification. Deleted.
4. Section H106.1.1 Internally illuminated signs. Deleted.
5. Section H107 Combustible materials. Deleted.
6. Section H108 Animated devices. Deleted.
7. Section H109.1 Height restrictions. Deleted.
8. Section H110 Roof signs. Deleted.

F. Appendix J, Grading.

1. Section J103.2 Exemptions. Replaced by 19.00.010(M).

19.05.005 Section amendments.

The following sections of the IRC have been added, amended, deleted or replaced as follows:

A. Chapter 1, Administration.

1. Section R104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code. The building official is also authorized to use Chapter 20.110 ECDC for code compliance in addition to the remedies provided for in this code.
2. Section R105.2 Work exempt from permit. Replaced by ECDC 19.05.010.
3. Section R105.3.2 Time limitation of permit application. Replaced by ECDC 19.00.005(A)(5).
4. Section R105.5 Permit expiration and extension. Every permit issued shall expire by limitation 360 days after issuance except as provided in ECDC 19.00.005(A)(6)(b) and 19.10.010(A) (4)(a).
5. Section R105.5.1 Recommence work on an expired permit. Replaced by ECDC 19.00.005(A)(7).
6. R106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by a stamp which states "APPROVED PLANS." One set of approved construction documents shall be retained by the building official. One set of approved construction documents shall be returned to the applicant and shall be made available on site to the building official or duly authorized agent of the city.
7. Section R106.3.3 Phased approval. Replaced by ECDC 19.00.005(A)(8).
8. Section R107 Temporary structures and uses. Deleted.
9. Section R108 Fees. Replaced by Chapter 19.70 ECDC.
10. **Section R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a State licensed land surveyor, of the elevation of the lowest floor, including basement required in Section R324. Prior to final inspection approval, the building official shall require an elevation certificate based on finished construction prepared and sealed by a State licensed land surveyor.**
- ~~10-11.~~ Section R109.1.5.1.2 Lath or gypsum board inspection. To be made after all lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.
- ~~11-12.~~ Section R112 Appeals. Replaced by Chapter 19.80 ECDC.

B. Chapter 2, Definitions.

1. Section R202 Accessory structure. Deleted.

EXHIBIT B

C. Chapter 3, Building Planning.

1. Table R301.2(1) Climatic and geographic design criteria.

- a. Ground Snow load = 25 PSF
- b. Wind Speed(e)(mph) = 85
- c. Seismic Design Category(g) = D2
- d. Weathering(a) = moderate
- e. Frost Line Depth(b) = 18"
- f. Termite(c) = Yes
- g. Winter Design Temp(f) = 27 degrees
- h. Flood Hazards(h) NFIP date of adoption 3-26-74 Effective FIRM Maps 11-8-99
- i. Ice Shield Underlayment required(i) = No
- j. Air Freezing Index(j) = 0-1000
- k. Mean Annual Temp(k) = 50 degrees

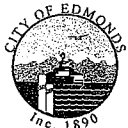
Refer to Table R301.2(1) for applicable footnotes.

2. Section R325 Automatic fire sprinkler system. An automatic fire sprinkler system is required for buildings containing five (5) or more attached dwelling units. Refer to ECDC 19.25.040.

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



SUMMARY OF ORDINANCE NO. 3715 of the City of Edmonds, Washington

On the 16th day of December, 2008, the City Council of the City of Edmonds passed Ordinance No. 3715. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE of the City of Edmonds, Washington, amending the provisions of ECC 19.00.005 and 19.05.005 to comply with State Floodplain Management Regulations; providing for severability; and setting an effective date.

The full text of this Ordinance will be mailed upon request.
DATED this 17th day of December, 2008.

CITY CLERK, SANDRA S. CHASE

Published: December 22, 2008.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3715

Amending the provisions of ECC 19.00.005

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

December 22, 2008

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Snell

Principal Clerk

Subscribed and sworn to before me this

22nd

day of

December, 2008

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001628691

